

Dimitriza Toromanova, Plaintiff

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DISTRICT OF NEVADA

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DIMITRIZA TOROMANOVA,

Plaintiff,

v.

WELLS FARGO BANK, N.A., *et al.*,

Defendants.

Case No.: 2:12-cv-00328-GMN-(CWH)

PLAINTIFF'S FIRST OPPOSITION
TO MOTIONS TO STRIKE/DISMISS

I received my service copy of "MINUTES OF THE COURT."¹ Under the heading "Motion to Dismiss Fed. R. Civ. P. 12(b)(6)" the court said "the nonmoving party") must file points and authorities in opposition to that motion within fourteen (14) days after service of the motion." The 14th day by my calendar is Tuesday, September 11th.

Defendant National Default Servicing Corporation ("NDSC") has filed its "Motion to Strike Plaintiff's Amended Complaint and to Dismiss Case" which the court then appears to have duplicated into two filings.² Both appear to be identical in every way.

I have not received service of this Defendant's corporate disclosure statement as mandated by both FRCP 7.1 and Local Rule 7.1, nor do I see it shown anywhere the docket.³

¹ See Docket #30

² Docket ##28-29

³ FRCP 7.1(b): "A party must: (1) file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court ..." My emphasis added

Because this Rule is mandatory, and it is presumed to be represented by competent counsel – a privilege I am prevented from enjoying – and this Defendant failed to do it, I submit to the court with my limited understanding NDSC does not yet have standing to proceed on its motions now before the court. And perhaps on anything it has submitted so far.

I leave it to this court's sound discretion whether or not this Defendant has standing to proceed on its motion, or whether it should be struck, or allowed as is. Once informed of such I will then proceed accordingly.

I expressly reserve the right to amend or supplement this Opposition if I believe it is needed. I also reserve my right to have the court construe this First Opposition according to FRCP 1 and 8(e) and applicable law.

CERTIFICATE OF SERVICE: I certify that on this date I did serve a true copy of this First Opposition on Defendants' attorney of record by regular mail.

Submitted with all rights reserved on September 7, 2012

without recourse
Dimitriz Toromanova
Dimitriz Toromanova, Plaintiff